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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 18 July 2006 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning the situation in Côte d'Ivoire and has the honour to transmit the following information:

1. Belgium and the other member States of the European Union have jointly put into effect the restrictive measures imposed by resolutions 1572 (2004) and 1643 (2005) by adopting the following common measures.[1]

- Council Common Position 2006/30/CFSP of 23 January 2006[2] announces the commitment of the European Union to apply all the measures contained in resolutions 1572 (2004) and 1643 (2005) and provides a basis for certain specific measures of execution adopted by the Council of the European Union. Common Position 2006/30/CFSP replaces Common Position 2004/852/CFSP,[3] which imposed the measures specified in resolution 1572 (2004) and expired on 15 December 2005.
- Council Decision 2006/483/CFSP of 11 July 2006[4] gives effect to Common Position 2004/852/CFSP and establishes, for the purposes of visa issue prohibition, the list of the three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006.
- Council Regulation (EC) No. 174/2005 of 31 January 2005,[5] as amended by Commission Regulation (EC) No. 1209/2005,[6] gives effect to the European Community restrictions on the supply of assistance related to military

[1] All the common measures are published in the *Official Journal of the European Union*, which may be consulted at the following sites: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] *Official Journal of the European Union* L 19, 24 January 2006, p. 36.

[3] *Official Journal of the European Union* L 368, 15 December 2004, p. 50.

[4] *Official Journal of the European Union* L 189, 12 July 2006, p. 23.

[5] *Official Journal of the European Union* L 29, 2 February 2005, p. 5.

[6] *Official Journal of the European Union* L 197, 28 July 2005, p. 21.

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activities to Côte d'Ivoire as imposed by resolution 1572 (2004). The Commission Regulation amends the list of competent authorities of member States to which the Council Regulation assigns certain functions in connection with the implementation of the Council Regulation.

- Council Regulation (EC) No. 560/2005 of 12 April 2005,[7] as amended by Commission Regulation (EC) No. 869/2006,[8] gives effect in the European Community to the freezing of funds and economic resources of persons and entities designated by the Sanctions Committee, as well as the prohibition on the provision to such persons and entities of funds or economic resources, subject to certain exceptions specified in resolution 1572 (2004). The Commission Regulation amends the Council Regulation by including in Annex I thereof the list of three persons established by the Côte d'Ivoire Sanctions Committee, as amended on 30 May 2006.

- Council Regulation (EC) No. 2368/2002 of 20 December 2002[9] gives effect in the European Community to the Kimberley Process Certification Scheme (KPCS). This Regulation implements the prohibition on the import of all rough diamonds from Côte d'Ivoire imposed by resolution 1643 (2005). Since Côte d'Ivoire does not issue Kimberley Process certificates and the Chair of the Kimberley Process has asked participants in the KPCS not to accept any shipment of rough diamonds accompanied by certificates issued by the Ivorian authorities, no rough diamond from Côte d'Ivoire may currently be imported into the European Community. In addition, in pursuance of the resolution adopted by the KPCS participants at a plenary meeting held in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has asked the authorities of member States to report any import of rough diamonds or any transaction conducted in the European Community which could be suspected of involving rough diamonds from Côte d'Ivoire. Since the entry into force of Regulation 2368/2002, no confirmed cases have to date been reported in the European Union of imports or transactions involving rough diamonds originating in Côte d'Ivoire.

- Council Regulation (EC) No. 539/2001 of 15 March 2001[10] requires Côte d'Ivoire nationals to be in possession of a visa when entering the European Union.

The above-mentioned Regulations are binding in their entirety and directly applicable in all member States.[11]

2. In addition, Belgium has the following legislation requiring export licences for any sale, supply, transfer or export of arms and related materiel to third countries. In addition to Common Position 2006/30/CFSP and Council Regulation (EC) No. 174/2005, this legislation provides the basis for implementation of the arms embargo against Côte d'Ivoire and the prohibition of the provision of related services.

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[7] *Official Journal of the European Union* L 95, 14 April 2005, p. 1.

[8] *Official Journal of the European Union* L 163, 15 June 2006, p. 8.

[9] *Official Journal of the European Union* L 358, 31 December 2002, p. 28.

[10] *Official Journal of the European Union* L 81, 21 March 2001, p. 1.

[11] Council Regulation (EC) No. 539/2001 is not applicable to Ireland or the United Kingdom.

- The Act of 5 August 1991[12] on the import, export, transit and trafficking of weapons, ammunition and materiel specifically destined for military use or maintenance of order, and of related technology, as amended by the Act of 26 March 2003, prohibits any person residing in Belgium from taking part in a transaction involving weapons, etc., unless that person has a licence issued for that purpose by the Ministry of Justice. In addition, the Act specifies that licence holders may not effect any transaction that would violate an embargo decreed by an international organization of which Belgium is a member (articles 10 and 11). Lastly, the same Act states that any application for an export or transit licence should be denied if it is incompatible with the international obligations of Belgium and with the commitments that it has made to apply the arms embargoes decreed by the United Nations, the Organization for Security and Cooperation in Europe and the European Union (article 4, paragraphs 1 and 2).

3. Council Regulations (EC) Nos. 174/2005, 560/2005 and 2368/2002 require member States to set up a sanctions regime to be applied in case of infringement of their provisions. The penalties imposed by Belgium are determined by the following legislation:

- Arms embargo: article 12 of the above-mentioned Act of 5 August 1991 states that infringements of articles 10 and 11 will be punished by a prison sentence of from one month to five years and a fine of from 10,000 to one million euros or by one of those penalties only.

- Freezing of funds and economic resources: article 6 of the Act of 13 May 2003 concerning the implementation of the restrictive measures adopted by the Council of the European Union against States and certain persons and entities specifies that infringements of the measures contained in the European Union regulations or the decisions adopted in pursuance of such regulations are punished by a prison sentence of from eight days to five years and a fine of from 25 to 25,000 euros. This provision is without prejudice to the provisions of the Act of 11 September 1962 and the Act of 5 August 1991.

- Embargo on rough diamonds: article 10 of the Act of 11 September 1962 concerning the import, export and transit of goods and related technology contains a cross-reference to the provisions of the General Act on Customs and Excise.[13]

4. As regards restrictions on entry into or transit through Belgian territory, the list established by the Sanctions Committee and its updates are transmitted to Belgian diplomatic and consular missions abroad with instructions not to issue visas to the persons covered by the sanctions, without prejudice to the exceptions envisaged in paragraph 10 of resolution 1572 (2004). This refusal to issue visas is based on article 5 (e) of the Convention implementing the Schengen Agreement and reflects Council Common Position 2006/30/CFSP.

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[12] A compendium of Belgian laws and regulations may be consulted at http://www.juridat.be/cgi_loi/legislation.pl.

[13] Royal Decree coordinating the provisions on customs and excise (*Moniteur belge* of 21 September 1977), confirmed by article 1 of the Act of 6 July 1978 (*Moniteur belge* of 12 August 1978).

Any person on the list who appears at the border would be refused access in accordance with article 3 of the Act of 15 December 1980 on access to the territory, stay therein, establishment and expulsion of aliens.